

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,379

IN THE MATTER OF:

Served April 3, 2007

Application of PROFESSIONAL MEDICAL )	Case No. AP-2006-221
TRANSPORT, INC., for a Certificate )	
of Authority -- Irregular Route )	
Operations )	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. If the applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.<sup>1</sup> A determination of compliance fitness is prospective in nature.<sup>2</sup> The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.<sup>3</sup> Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.<sup>4</sup>

Applicant's president, Dorin Takwa, previously controlled Professional Medical Transport (PMT),<sup>5</sup> a Maryland partnership, which held WMATC Certificate of Authority No. 603 from June 8, 2001, until it was revoked on September 6, 2006, for PMT's willful failure to comply with the insurance provisions of the Compact and regulations

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<sup>1</sup> *In re Rolifa Inc.*, No. AP-05-172, Order No. 9376 (Mar. 6, 2006).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Commission records show Takwa was a general partner with the majority financial stake in the partnership.

thereunder.<sup>6</sup> The history of Certificate No. 603 has a bearing on this application because the past conduct of an applicant's owners and officers is relevant to a determination of applicant's compliance fitness.<sup>7</sup>

The revocation order, Order No. 9890, gave PMT until October 6, 2006, to: (1) remove from PMT's vehicles the identification placed thereon pursuant to Commission Regulation No. 61; (2) file a notarized affidavit with the Commission verifying removal; and (3) surrender Certificate No. 603 to the Commission. The order further stipulated that PMT's overdue annual report for 2005/2006 and \$150 in late fees under Regulation No. 67-03 would remain due. PMT has yet to comply with Order No. 9890 and has yet to file the overdue report and pay the outstanding late fees.

Given the poor track record of applicant's president in allowing a carrier she controlled in the past to evade compliance with Commission requirements, we cannot say that applicant has met its burden of proof on the issue of regulatory compliance fitness.<sup>8</sup>

THEREFORE, IT IS ORDERED that the application of Professional Medical Transport, Inc., for a certificate of authority is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>6</sup> In re Professional Medical Transport, No. MP-06-054, Order No. 9890 (Sept. 6, 2006).

<sup>7</sup> Order No. 9375.

<sup>8</sup> See id. (application denied where carrier controlled by applicant's president still owed annual report and annual fee and had yet to comply with revocation order filing requirements).